



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 411 South, State Capitol
Madison, Wisconsin

April 6, 2005
8:35 - 9:45 a.m.

[The following is a summary of the April 6, 2005 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Co-Chair Lasee called the meeting to order. He began by stating that because of the tightly scheduled agenda, it would not be possible to accommodate any public appearances. However, he informed the members that if the bills are introduced by the Council, they will then follow the traditional process in the Legislature and that public hearings will be held on these bills in their assigned standing committees.

Co-Chair Lasee reminded the members that the reintroduction of 2003 Assembly Bill 514, recodification of ch. 30, navigable waters, is on the agenda today. It was asked to be removed from the March 9th Council agenda. Next, it was noted that the biennial appointment of the Law Revision Committee would also be taken up at today's meeting.

Last, Co-Chair Lasee reminded the members that the next meeting of the Joint Legislative Council is scheduled for May 4 to both receive special committee reports and be given a presentation on Wisconsin demographics by the La Follette graduate students working on a special public policy project.

Co-Chair Lasee asked that the roll be taken. Noting that a quorum was not present, he asked that the roll be left open and members recorded as they arrived. Shortly thereafter, Co-Chair Lasee announced that a quorum was present.

COMMITTEE MEMBERS
PRESENT: Sen. Alan Lasee and Rep. Steve Wieckert, Co-Chairs; Sens. Ronald Brown, Russell Decker, Scott Fitzgerald, Glenn Grothman, Dan Kapanke, Mark Miller, Fred Risser, Judith Robson, Dale Schultz, and David Zien; and Reps. John Ainsworth, John Gard, Michael Huebsch, Dean Kaufert, Jim Kreuser, Ann Nischke, Mark Pocan, Marlin Schneider, and David Travis.

COMMITTEE MEMBER
EXCUSED: Rep. Stephen Freese.

COUNCIL STAFF PRESENT: Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; Mark Patronskey, Don Salm, Anne Sappenfield, Ron Sklansky, and Russ Whitesel, Senior Staff Attorneys; Dan Schmidt, Senior Analyst; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES: Rep. Suzanne Jeskewitz, Chair, Special Committee on Adoption and Termination of Parental Rights Law; Sen. Alberta Darling, Chair, Special Committee on Sexually Violent Person Commitments; and Sen. Ted Kanavas, Chair, Special Committee on Wisconsin's Transportation Network Infrastructure.

Approval of the Minutes of the Committee's March 9, 2005 Meeting

Co-Chair Lasee asked for a motion to approve the March 9, 2005 minutes of the Joint Legislative Council.

Sen. Schultz moved, seconded by Co-Chair Wieckert, that the minutes of the March 9, 2005 meeting be approved. The motion was adopted by unanimous consent.

Consideration of 2004 Study Committee Reports:

Special Committee on Adoption and Termination of Parental Rights Law

Representative Jeskewitz, Chair, Special Committee on Adoption and Termination of Parental Rights Law, reported on the activities of the committee and described WLC: 0166/1, the committee's recommended draft.

Co-Chair Lasee asked if there was any discussion on the proposal.

After questions on whether it is mandatory or voluntary for a mother to file an affidavit in the draft's provisions relating to declarations of paternal interest, and if the bill had a provision for DNA testing for paternity:

Co-Chair Wieckert moved, seconded by Sen. Schultz, that WLC: 0166/1, relating to termination of parental rights and adoption, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Sens. Lasee, Brown, Decker, Fitzgerald, Kapanke, Miller, Risser, Robson, Schultz and Zien; and Reps. Wieckert, Ainsworth, Gard, Kaufert, Kreuser, Nischke, Pocan, Schneider and Travis); Noes, 0; and Excused, 3 (Sen. Grothman; and Reps. Freese and Huebsch).

[Rep. Freese noted that had he been present, he would have voted "aye" on WLC: 0166/1.]

Special Committee on Wisconsin's Transportation Network Infrastructure

Senator Kanavas, Chair, Special Committee on Wisconsin's Transportation Network Infrastructure, reviewed the work of the committee and described LRB-1149/1, relating to creating a Council on Transportation Infrastructure in the Department of Transportation.

Co-Chair Lasee asked if there was any discussion on the proposal.

Council members expressed concern on several issues of the draft: the balance between seaports, airports, and roads; whether joint committees were included among the membership of this council; why there were three representatives from the Assembly appointed and only two representatives from the Senate; whether the Department of Homeland Security was asked if funding was available in response to possible acts of terrorism; how to transition other carriers working in Wisconsin; and regional transportation authorities.

After discussing these issues:

Sen. Risser moved, seconded by Sen. Schultz, that LRB-1149/1, relating to creating a Council on Transportation Infrastructure in the Department of Transportation, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 20 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Risser, Robson, Schultz and Zien; and Reps. Wieckert, Ainsworth, Gard, Huebsch, Kaufert, Kreuser, Nischke, Pocan, Schneider and Travis); Noes, 0; and Excused, 2 (Sen. Fitzgerald; and Rep. Freese).

[Sen. Fitzgerald and Rep. Freese noted that had they been present, they would have voted "aye" on LRB-1149/1.]

Special Committee on Sexually Violent Person Commitments

Senator Darling, Chair, briefly reported on the activities of the committee and highlighted the key points in WLC: 0083/2.

Co-Chair Lasee asked if there was any discussion on the proposal.

A number of Council members expressed concern that the bill draft provides for an additional exception to the confidentiality of various records, including records relating to juveniles, pupils, mental health commitments and treatment, patient health care, and presentence investigations. The exception is that in civil commitment proceedings involving sexually violent persons, the Departments of Correction, Health and Family Services, or Justice, or a district attorney, may, without a court order, have access to these records for use in the civil commitment proceedings. Senator Darling responded to this concern by stating that, prior to the supervised release or discharge of a convicted violent sexual offender who at some point has been determined to be a person who is likely to reoffend, all information about the person should be made available in order that a sound decision about release or discharge can be made.

After hearing no further discussion:

Sen. Zien moved, seconded by Co-Chair Wieckert, that WLC: 0083/2, relating to the definition of sexually violent person, sexually violent person commitment proceedings, criteria for supervised release, battery by certain committed persons, escape from custody by a person who is subject to a sexually violent person commitment proceeding, and providing penalties, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 16 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Robson and Zien; and Reps. Wieckert, Ainsworth, Gard, Huebsch, Nischke, Pocan, Schneider and Travis); Noes, 2 (Sen. Risser and Rep. Kreuser); and Excused, 4 (Sens. Fitzgerald and Schultz; and Reps. Freese and Kaufert).

[Sens. Fitzgerald and Schultz and Reps. Freese and Kaufert noted that had they been present, they would have voted "aye" on WLC: 0083/2.]

Consideration of Certain 2003 JLC Bills for Reintroduction (Navigable Waters Recodification)

Co-Chair Lasee reminded the Council members that at the last Council meeting, Representative Gard had asked that 2003 Assembly Bill 514, recodification of ch. 30, Stats., navigable waters, be removed from the package of 10 bills to be reintroduced and brought up at today's meeting.

Sen. Risser moved, seconded by Rep. Schneider, that 2003 Assembly Bill 514, recodification of ch. 30, Stats., be reintroduced. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Risser, Robson and Zien; and Reps.

Wieckert, Ainsworth, Gard, Huebsch, Kreuser, Nischke, Pocan, Schneider and Travis); Noes, 0; and Excused, 4 (Sens. Fitzgerald and Schultz; and Reps. Freese and Kaufert).

[Sens. Fitzgerald and Schultz and Reps. Freese and Kaufert noted that had they been present, they would have voted "aye" on the reintroduction of 2003 Assembly Bill 514.]

Biennial Appointment of the Law Revision Committee

Co-Chair Lasee went over the recommended appointments to the statutory Law Revision Committee. This committee is directed, pursuant to s. 13.83 (1), Stats., to: (a) review remedial legislation based on nonsubstantive changes recommended by agencies; (b) review court decisions and opinions of the Attorney General which state that a statute is unconstitutional, ambiguous or otherwise in need of revision; (c) review Revisor's correction bills; (d) review suggestions for major codifications and revisions of the statutes; (e) cooperate with the Revisor of Statutes in identifying statutory provisions in need of revision; and (f) perform functions related to interstate compacts and agreements. The recommended officers and members are:

Senator Glenn Grothman, **Co-Chair**
Senator Tim Carpenter
Senator Neal Kedzie
Senator Fred A. Risser

Representative Scott Suder, **Co-Chair**
Representative Mary Hubler

Co-Chair Wieckert moved, seconded by Sen. Zien, that the biennial appointment of the Law Revision Committee be approved. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Risser, Robson and Zien; and Reps. Wieckert, Ainsworth, Gard, Huebsch, Kreuser, Nischke, Pocan, Schneider and Travis); Noes, 0; and Excused, 4 (Sens. Fitzgerald and Schultz; and Reps. Freese and Kaufert).

[Sens. Fitzgerald and Schultz and Reps. Freese and Kaufert noted that had they been present, they would have voted "aye" on the biennial appointment of the Law Revision Committee.]

Other Business

There was no other business to come before the Joint Legislative Council.

Adjournment

The meeting was adjourned at 9:45 a.m.

TCA:wu;ksm